

TERRITORY V. HART, 1912-NMSC-025, 17 N.M. 222, 124 P. 798 (S. Ct. 1912)

**TERRITORY OF NEW MEXICO, Appellee,
vs.
ENOS R. HART, Appellant**

No. 1463

SUPREME COURT OF NEW MEXICO

1912-NMSC-025, 17 N.M. 222, 124 P. 798

May 20, 1912

Appeal from District Court, Curry County.

COUNSEL

Enos R. Hart was charged with having violated sec. 1368 C. L. 1897, commonly known as the "Sunday Law." A jury was waived and the cause submitted to the court for determination upon the same statement of facts set forth in the case of Territory v. Thos. M. Davenport, case No. 1464, decided at the present term of this court.

The court found the defendant guilty, from which judgment this appeal is prosecuted.

OPINION

{1} This being a companion case to No. 1464, Territory v. Thos. M. Davenport, for the reasons given in that case the judgment of the lower court is reversed and the cause remanded, with instructions to the lower court to discharge the defendant.